

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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YOVANNY DOMINGUEZ AND ON	:	
BEHALF OF ALL OTHER PERSONS	:	
SIMILARLY SITUATED,	:	
	:	
Plaintiff,	:	19-CV-11182 (VEC)
	:	
-against-	:	<u>ORDER</u>
	:	
LACOSTE USA, INC.,	:	
	:	
Defendant.	:	
-----X		

VALERIE CAPRONI, United States District Judge:

WHEREAS on December 6, 2019, Plaintiff sued Lacoste USA, Inc. alleging that its failure to sell store gift cards to consumers that contain writing in Braille violates Plaintiff's rights under the Americans with Disability Act ("ADA") and New York state law, Dkt. 1;

WHEREAS Defendant has not yet answered, moved, or otherwise responded to the complaint;

WHEREAS on July 27, 2020, the Court stayed the case pending the Second Circuit's resolution of a consolidated appeal of orders granting motions to dismiss in similar matters, Dkt. 11;

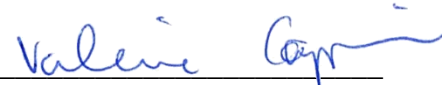
WHEREAS on June 2, 2022, the Second Circuit decided *Calcano v. Swarovski et al.*, 20-1552, holding that "Plaintiffs' conclusory, boilerplate allegations fail to establish standing," *see* Opinion, 20-1552 at 4 (2d Cir. June 2, 2020); and

WHEREAS the allegations in the complaint in this action likely fail to establish standing, as they are just as, if not more, conclusory as the allegations in the complaints at issue in the Second Circuit's *Calcano* opinion.

IT IS HEREBY ORDERED that Plaintiff may file an amended complaint by no later than five days after the mandate is issued in *Calcano v. Swarovski et al.*, 20-1552. If Plaintiff does not file an amended complaint by the deadline, then Defendant must answer, move, or otherwise respond to the original complaint by no later than 14 days after the mandate is issued in *Calcano*. If Plaintiff does amend her complaint by the deadline, Defendant must answer, move, or otherwise respond to the amended complaint by no later than 21 days after the amended complaint is filed.

**SO ORDERED.**

**Date: June 3, 2022**  
**New York, New York**

  
**VALERIE CAPRONI**  
**United States District Judge**